

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MATTHEW RAYMOND BARBER

COMPLAINANT

v.

EXCEL COMMUNICATIONS, INC.

DEFENDANT

CASE NO. 98-140

O R D E R

On March 30, 1998, the Commission ordered Excel Communications, Inc. ("Excel") to satisfy the matters complained of in Mr. Barber's Complaint or to file a written answer. By letter dated April 9, 1998, Christopher Weddington, Regulatory Analyst for Excel, responded on behalf of the Defendant. The Commission rejects Excel's response to the Order.

The Commission rejects Excel's response because it fails to address fully each of the allegations raised in the Complaint. The letter reiterates Excel's prior denial of a credit adjustment for disputed calling card charges. It fails, however, to respond to Complainant's allegation that Excel has continued to charge him for service after being removed as his long-distance carrier on August 12, 1997.

Moreover, the Commission cannot accept Mr. Weddington's letter as the Defendant's Answer. Representation of a corporation or governmental agency before an administrative agency is considered the practice of law and must be

performed by a licensed attorney. Kentucky Bar Ass'n v. Henry Vogt Machine Co., Ky., 416 S.W.2d 727 (1967). The Commission has previously required that no person may represent a client or employer before the Commission unless he or she is licensed to practice law in Kentucky. See Administrative Case No. 249, Practice Before the Commission (Ky.P.S.C. June 15, 1981) at 1 – 2. Nothing in the record indicates that Mr. Weddington has such license.

IT IS THEREFORE ORDERED that:

1. Excel's response to the Commission's Order of March 30, 1998, is rejected.
2. Excel shall file with the Commission an Answer to the Complaint within 20 days of the date of this Order in compliance with Commission Regulation 807 KAR 5:001, Section 12. This Answer shall be signed by Excel's attorney.
3. Excel shall serve a copy of its Answer upon the Complainant.
4. Failure to file an Answer within the prescribed time may subject Excel to entry of a final order by default.

Done at Frankfort, Kentucky, this 7th day of May, 1998.

PUBLIC SERVICE COMMISSION

B. J. Helton
Chairman

E. J. Helton
Vice Chairman

Ray W. Dunn
Commissioner

ATTEST:

Helen C. Helton
Executive Director